

Allstate Insurance as subrogee of Gerald Feagins,  
Plaintiff,

v.

KENAE MERRITT;  
U.S. POSTAL SERVICE,  
Defendants.

Case No.

COMPLAINT

COMES NOW the Plaintiff, and for its cause of action against the Defendant, hereby alleges and states as follows:

1. Allstate Insurance is authorized to bring this action.

2. Defendant KENAE MERRITT resides at 1308 N 109th Plaza, Omaha, NE 68154. Defendant U.S. POSTAL SERVICE is a government entity located at 3030 Meredith Ave Omaha NE 68111.

3. On or about April 12, 2016, Gerald Feagins (the Insured) and Defendant Merritt were involved in a motor vehicle collision which occurred at the intersection of Raven Oaks Drive and Fillmore Street in Omaha, Nebraska.

4. Defendant Merritt was permissibly driving a motor vehicle under the regular scope of employment owned by Defendant U.S. Postal Service.

5. Defendant owed the Insured a duty to operate the motor vehicle in a safe and non-negligent manner.

6. Defendant U.S. Postal Service owed the Insured a duty to ensure that any of their employees operate their motor vehicles in a safe and non-negligent manner.

7. Defendants breached those duties when Defendant Merritt failed to maintain a proper lookout thus causing said collision with the Insured's motor vehicle.

8. As a proximate and direct result of the Defendant's negligence, the Insured's motor vehicle was damaged causing \$6,126.88 worth of damage to his motor vehicle.

9. After applying the Insured's \$500.00 deductible, Plaintiff paid \$5,626.88 to the Insured or on the Insured's behalf, and is subrogated to this claim and brings it in their own name.

10. Despite due demand for payment and after having given Defendants credit for all



payments made and credit due thereon there remains due and owing to Plaintiff from Defendants the sum of \$6,126.88.

11. No part of said sum has been paid, although demand therefor has been made.

WHEREFORE, Plaintiff requests the Court enter judgment against the Defendants for \$6,126.88, plus Post-Petition interest at the statutory rate, plus Court costs, and for such other and further relief as the Court deems just and proper in these premises.

April 14, 2017

/s/ Timothy VanVliet - #25451

Attorney for Plaintiff

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## Certificate of Service

I hereby certify that on Wednesday, May 10, 2017 I provided a true and correct copy of the Attachment to the following:

Merritt, Kenae, service method: Personal or Residential Service

U.S. Postal Service service method: No Service

Signature: /s/ Tim Van Vliet (Bar Number: 25451)